

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
VIRGINIA ALCOHOLIC BEVERAGE CONTROL COMMISSION  
RICHMOND**

December 26, 1984

**CIRCULAR LETTER  
84-7**

**TO:** EACH MANUFACTURER, IMPORTER, WHOLESALER AND RETAILER OF  
ALCOHOLIC BEVERAGES  
**SUBJECT:** CABLE TELEVISION ON RETAIL PREMISES.

**PURPOSE:** The purpose of this circular letter is to advise members of industry of a recent decision by the Commission.

**BACKGROUND:** A cable television organization requested a ruling by the Commission on whether certain programs shown on channels such as "HBO" and "Cinemax" could be shown on television in licensed retail places. Specifically, the issue was whether programs which involve nudity or conduct which if done "live" by entertainers would be prohibited by Sections § § 4-37, 4-98.9 or 4-98.10, Virginia Code, or Section 55, Regulations, are permitted to be shown on licensed retail premises.

**HELD:** The Commission concludes that activities which are prohibited for live entertainers should not be shown on television and, accordingly, television shows or movies which depict nudity or other behavior which constitutes lewd conduct, as defined by Section § 55, Regulations, are prohibited from being shown in licensed retail establishments. Such programs may, of course, be shown in individual guest rooms of hotels. Of course, channels such as "HBO" and "Cinemax" may be made available to and purchased by retail licensees, but programs on such channels which violate the above ruling may not be shown on the premises.

The showing of such programs constitutes a violation of the laws and regulation cited above and subjects the license to possible suspension or revocation. It also is a Class 1 misdemeanor.

**INQUIRIES:** Inquiries should be addressed to the undersigned.

VIRGINIA ALCOHOLIC BEVERAGE CONTROL  
COMMISSION

Larry E. Gilman  
Secretary